

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

April 7, 2009

### Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

#### **I. ROLL CALL**

##### Commissioners Present

Commissioner Casasanta  
Commissioner Ganley  
Chairman Hall  
Commissioner Kornichuk  
Commissioner Pruett  
Commissioner Schatz  
Commissioner Camerota

##### Commissioners Absent

Commissioner Pane  
Commissioner Niro

##### Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Pane.

#### **II. PUBLIC HEARINGS**

- A. PETITION 06-09 – Assessor Map 11-335, 00A East Cedar Street (North Side) 29 acre vacant parcel approximately 730' west of the intersection of East Cedar and Russell Road, Marcap Co., LLC, owner, Toll Brothers, Inc., 53 Church Hill Road, Newtown, CT 06460, applicant, request for zone map amendment CD Commercial Development District to R-12, Residential District. Continued from March 25, 2009.**

Chairman Hall: And now we are going to read, everyone should have a copy of that.

Commissioner Ganley: Okay, referencing PETITION 06-09 we have a letter in from the developer which reads as follows: "On behalf of Toll Brothers Inc. the applicant in the above referenced application we hereby respectfully withdraw the application at this time without prejudice. This withdrawal is being made in the spirit of cooperation in order to give Toll additional time to work with neighboring property owners to insure that its proposed development is fully integrated with the surrounding uses. We anticipate resubmitting this application upon completion of our discussions with the neighboring property owners. Thank you for your consideration in this matter. If you have any questions, please do not hesitate to contact me directly. Signed, Brown, Rudnick, LLP and for them, Thomas J. Regan.

Chairman Hall: Ed, do you have any other information at this point?

Ed Meehan: Just that we have the file still available. There will be no public hearing, but the file is public record if anyone wants to come in and look at it. We will wait and see what the applicant does in the next couple of weeks to move this back on the agenda and see if they are going to pursue the project at this time.

Chairman Hall: Okay, that's good.

**B. PETITION 07-09 – 2368 Berlin Turnpike, Richard Rizzo, 390 North Main Street, Wallingford, CT 06492 applicant, Newell A. & Clifford F. Stamm, owners, request for Special Exception Section 6.4.2 Pylon Sign, B-BT Zone District.**

Chairman Hall: If the petitioner is present, if you will come before us at the podium, state your name and address for the record.

Richard Rizzo 390 North Main Street, Wallingford, CT: I am representing the sign installer as well as the owner of the Dunkin Donut business. We are asking that the committee consider the placement of the eighteen foot high, thirty-five square foot internally illuminated pylon sign, two sided, located on your site plan directly in front of the building. I have some additional pictures which I will make available to the Commission if they so see fit. In addition to that, I included just for your information a, all of the signage on the property. The wall signs, the menu board and the directional signs. Let me just show you some additional pictures which I think might help you as far as the menu board and so forth are concerned. This is a kind of a unique property, as you probably can see, and what I did was, I think all of you folks have seen it anyway, but there are a series of three here, and I will explain what I have here when I get back up to the podium. What you are looking at right now in the first page, the front page, as you can see, if you are driving up the Berlin Turnpike going north, you are looking at the front of the building right now, in this first picture. The only reason I even mention that, if you look again, and you can see the uniqueness of the property, in the second picture and that is still the front of the building. In the third picture which I wanted to show you, is where you see nothing but a bulldozer. If you look at the orange barrel, that is where the menu board is going to go, and if you look at your site plan, it is directly behind the building. Can't be seen from anywhere on the Berlin Turnpike. The only time you will be able to see that is when the person driving the auto turns the corner on the southeast portion of the building and turns towards the north. The menu board will be located at the northeast corner. Actually the menu board would be, looking back at the front page, the menu board, if you are looking at this slab, decorative slab in front of the building, the menu board is actually directly behind the building, right behind that, so if you are looking at it, you cannot see the menu board at all. I just wanted to point that out to the Commission even though we are not, that's not part of what we are asking for tonight. I just thought perhaps you folks would like to see the whole picture as to what all the signs were going to look like. The site plan I think indicates pretty clearly where all the signs will be going. Again, this picture right here, see the little flag, that's where the pylon sign will be going.

Chairman Hall: Does that conclude your presentation?

Richard Rizzo: I'm sorry, yes.

Chairman Hall: Ed, do you have anything to add to this?

Ed Meehan: Let me just give the Commission some additional information relative to the zoning regulation standards. This building qualifies for sign area based on its front, which is times the width times two and they get the benefit of the side, times one because they have a public entrance and the total square footage of sign permitted at this property will be 134 square feet. The pylon, as the applicant has said, with the drive through sign on the bottom totals 78 ½ square

feet. Eighteen feet complies with the regulations, it's placed behind the highway taking line, complies with the regulations so the pylon meets your standards, and then there are two wall signs proposed, on the front, which is 35 and on the side which is 21. I would point out that the pylon at 78 square feet and the wall sign at 58, 56 square feet uses up the 134 square feet. The directional sign at the site driveway, at an additional ten square feet which is over the limit and so those I think are going to have to be deleted. Menu boards, we don't normally count menu boards towards signage. It's a product, Wendy's, McDonald's, Burger King all have menu boards but directional signs, they have the company logo on there, they are two sided, they add up to ten square feet so those would not be permitted as part of the total sign package. Pylon is okay, the wall signs are okay, the menu board is okay.

Richard Rizzo: Question. If one were to make some adjustments with the wall signs, or whatever we might do to make up the difference, I don't see the directionals as a major problem for us to make them come in within the square footage. I'm assuming the pylon sign is going to meet the regulations?

Ed Meehan: The pylon is fine. The subject of tonight's hearing is the pylon and it does comply with the regulations. I think if you want to go with the directionals, if you could get it to be something as part of a direct building permit, you can scale back the other wall signs, you would be okay.

Richard Rizzo: Another question, at this point, this needs to be voted on at the next meeting, is that correct?

Ed Meehan: That's the practice of the Commission, right.

Richard Rizzo: And would you expect me to attend that meeting or.....

Ed Meehan: If the Commission closes the hearing tonight, then.....

Richard Rizzo: There is nothing that I can add to that.

Ed Meehan: That's correct, sir.

Richard Rizzo: I just want to let the client know that. And the next meeting would be when? The 22<sup>nd</sup>?

Chairman Hall: Two weeks from tomorrow, Tuesday is normally not our night, it's usually Wednesday, so it will be two weeks from tomorrow.

Richard Rizzo: All right, fine. Thank you very much.

Chairman Hall: Stay there for just a minute in case any of the Commissioners have a question. Anybody have anything?

Commissioner Ganley: Just a clarification, Ed, pursuant to the adjustments that you will have seen, we in all probability could vote on this at the next meeting. He has to make some sign adjustments, present it, you've got to make sure that they agree with what you just said.

Ed Meehan: The only thing you are really voting on is the pylon.

Commissioner Ganley: The pylon sign.

Ed Meehan: Yeah, the special exception for the pylon. It's just when he comes in for other signage, pulling a zoning and building permit, he will not be able to get the directional signs approved because he is over by ten feet, unless he scales back on the wall signs, or visa versa, however he wants to balance it off, but for the purpose of your application before you tonight, and what you are voting on is just the pylon. You are not voting on the wall sign or the directional sign.

Chairman Hall: Any other questions? I just have a question. How visible is the menu board going to be for the people who live in the condos up the hill?

Richard Rizzo: I was there several times, there is no way that they can even see them, they would have to walk to the end of the property and look over the hill to see them. Seriously, it should not even be an issue because Wendy's is there as well, and Wendy's, I don't see that as a problem at all, it's a very unique site.

Ed Meehan: The back side of the menu board is probably a blank panel, right?

Richard Rizzo: Pardon me?

Ed Meehan: The back side which faces the condos above, is going to be a blank panel.

Chairman Hall: Any other questions from the Commissioners? Thank you very much.

Richard Rizzo: Thank you.

Chairman Hall: Anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition? Anyone wishing just to speak. Seeing none, I don't see any reason to keep this open, I think we can close this.

**III. PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

**IV. MINUTES**

March 25, 2009 – Regular Meeting

Commissioner Pruett moved to accept the minutes of the March 25, 2009 regular meeting. The motion was seconded by Commissioner Kornichuk.

Commissioner Kornichuk: I just found one, I'm surprised that Michelle didn't find it. On the front page, you are not listed as here or not here, and I definitely know that you were here. I just happened to read the minutes and saw your name mentioned at the end, so.....

Chairman Hall: I have given one of our Commissioners fifteen minutes so I think I am going to, can I seat Michelle.....

Ed Meehan: Well, normally it's up to you how you want to seat her because the absent member is not of the same party, so how you want to do that....

Commissioner Kornichuk: She's the only alternate here.

Chairman Hall: And she has been sitting through our meetings, so I'd like to have a full table, so I would like to do that, I'd like to seat Michelle for Commissioner Pane. We have given about seventeen minutes so.....

We will add Michele's name to the Roll Call for last meeting and we have a first and a second, with an addition.

The vote was unanimously in favor of the motion, as amended, with seven voting YES.

## **V. COMMUNICATIONS AND REPORTS**

### **A. 8-24 Referral – 2009-2010 Comprehensive Road Plan – Report to Council**

Ed Meehan: This is the annual referral which is sent to you by the Town Council as a result of the Capital Improvement Program. This is the required road list, they are considered public improvements both in construction magnitude as well as cost magnitude so they come before this Commission. They are also, the Town receives LOCIP funding from the State of Connecticut and part of the criteria of the LOCIP funding is that it goes through a comprehensive CIP process and meets all of the other statutory requirements of municipalities and one of them is the 8-24 referral to this body. As you can see, there is \$700,000.00 of estimated and proposed road improvements and it's broken down into road construction, which is the complete reconstruction of these roads listed here, your resurfacing, which is milling and grinding and then crack sealing which is miscellaneous locations where crack sealing takes place. This was referred to you about a week ago, two weeks ago now, and there was some additional funding added by the Council last night, so some of these may get additional funding or they may add roads later on as the program gets going. It all depends on the vendors who bid on these and the cost that the Town gets. The most important part of this I think is the road construction, these are major roads that go from the ground up. Our crew does that part.

Commissioner Ganley: Would they have to come back to us if they found they had enough money, I'll make this up, if they found they had enough money for two more streets, would they have to come back to us?

Ed Meehan: Normally they wouldn't, but those roads would come off of the Town Engineer's priority list, they would move them up.

Chairman Hall: Any questions on this? I guess we are okay with that, it's pretty cut and dried.

Ed Meehan: Yes it is.

### **Newington Capital Improvement Plan (CIP) Comprehensive Road Improvement Schedule for FY 2009-2010 8-24 Municipal Improvement Referral Report**

Commissioner Schatz moved that the TPZ report to the Town Council its approval under Section 8-24 for the proposed 2009-2010 Comprehensive Road Improvement schedule in the estimated amount of \$700,000. Funding for these improvements to be determined by the Town Council with financing from the Town General Fund, State LOCIP and State Town Aid for Roads grant.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

**VI. NEW BUSINESS**

- A. PETITION 08-09 Assessor Map SW 1865, .93 acre vacant parcel located between 115 and 173 Pane Road, NB Realty Group, LLC owner, Quality Customer Construction, 160 Jerome Avenue, Burlington, CT 06013, applicant, request for Site Plan approval Section 5.3, 4,500 sq. ft. light industrial use building, PD Zone District.**

Ed Meehan: This petition, Commission members, the applicant, their drainage component of their site plan, the calculations for the storm water retention, the work was not completed so they have asked the Commission to hold this over to your next meeting. They want to do some additional work and get that information to the Town Engineer so they are not ready to present tonight.

**VII OLD BUSINESS**

- A. Petition 03-09 – Proposed Zone Regulation amendment, Section 3.2.1 churches and places of worship. Permitted in all zone districts by Special Exception. Request to add the following: Places of worship when permitted by special exception be allowed to have residential quarters (for a family.) Area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or accessory to the permitted principal use, Nikhil Vyas, PE, VB Tech Corporation, 2049 Silas Deane Highway, Suite 1E, Rocky Hill, CT 06067, applicant. Hearing closed March 11, 2009; Sixty-five day decision period ends May 15, 2009.**

Commissioner Casasanta moved that Petition 03-09 – Proposed Zone Regulation amendment, Section 3.2.1 churches and places of worship, permitted in all zone districts by Special Exception. Request to add the following: Places of worship when permitted by special exception be allowed to have residential quarters (for a family.) Area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or accessory to the permitted principal use, Nikhil Vyas, PE, VB Tech Corporation, 2049 Silas Deane Highway, Suite 1E, Rocky Hill, CT 06067, applicant be approved for the following reasons:

1. The Commission finds that this change is consistent with several existing places of worship in Newington which now provide on-site residential living quarters for their clergy.
2. The Commission further finds that the Special Exception procedure will allow abutting property owner's notice of such a proposed residential use and the opportunity to review and comment on the specific details of each location.

The effective date of this amendment shall be April 22, 2009.

The motion was seconded by Commissioner Ganley.

Chairman Hall: Discussion? I think last time we talked about the fact that there is precedent for this in town already, but there is nothing under the zoning to cover it, so if anybody came before us again, we really would have no basis for looking at any other kind of a petition, so this puts it into our zoning regulations, covers things that exist and any future that might occur. Any questions, comments? Ed, do you have anything?

Ed Meehan: No I don't.

The vote was unanimously in favor of the motion, with seven voting YES.

**B. Hunter Development Company, LLC – Shoppes at East Cedar Street, request for amendments to joint motion and stipulation for approval of Settlement Agreement, May 14, 2007, Michael Friesbie, P.O. Box 366 East Long Meadow, MA 01028**

Chairman Hall: Ed, thank you for all the information that you gave us this week, as well. Does everyone have a copy of this, the memorandum?

We have talked about this on several occasions at several meetings and at this point I'm going to open it to discussion one more time with the idea that we have all thought about this long and hard, that we know that we have had a stipulated agreement that a prior Commission worked on at great length and with great thought and at this point we have been asked to change that, we have discussed this, we have gone over all the pros and cons, this is our last attempt at coming to a conclusion this evening and I'd like to open it for discussion at this time, get your views on the table so we know where we stand, and we can move forward.

Commissioner Schatz: Well, I must have read this about twenty times, read the first part and the preliminary draft and then reading the old one that was agreed by the, us and the applicant, well, when you are in business, you favor business, okay, I mean that's the way things sometimes are, but in reading the preliminary draft there are some parts that I really don't care for and it gives me a bad feeling in my stomach, so I would not support it. I would say that I would support the original stipulation approval settlement agreement.

Chairman Hall: Anyone else, Peter?

Commissioner Kornichuk: I think I made my thoughts perfectly clear at the last meeting. I think things should stay the way that they are.

Commissioner Casasanta: I thought about this and I have kind of gone back and forth and back and forth and to be honest with you I don't see any reason at this point in time to amend the agreement that the court had decided upon, so I'm voting no, at this point in time.

Commissioner Pruett: I was on the original revision of this through the agreement with the court and the Zoning Commission here for an awful lot of time and effort to come to agreement with the builder, with the town, with the state and I think that the agreement as it stands now protects everybody's interest, so I would be in agreement to keep it as is, and no against a revision to it.

Commissioner Camerota: I too thought about it since our last meeting and then after getting the draft that Ed put in our packet and I keep coming back to the fact that the only reason that we really would be changing it is for economic hardship reasons and those really are not the things that we are supposed to consider, and that is the only reason that I can see to change it, so I feel that we should leave it the way that it was because that does, as Dave says, protect the Town's interest.

Commissioner Ganley: As I stated at the last meeting, I had a, my misgivings about this thing and of course I still do, and I'm going to be voting no, by the way. The last Commission worked on it very hard for an awful long time and did a very good job I might add, and I don't think that it turns out that today that they were less skilled at handling this sort of thing than we are, I think they were, they did their job very well and I think they produced a good product and that is the product that I am in favor of.

Chairman Hall: Okay. Well, it looks as if around the table we think that the original stipulated agreement was a good one, that in the long term, for the town that the project that was presented originally is what the town would like to see eventually there. We understand that at this time it may not be feasible to do that, but I think we are willing to take the chance and wait so that we will end up with the project that we really want versus getting a project now that we might not be happy with as time goes on. That is the feeling that I am getting, that seems to be what people are saying around the table. Correct me if I'm wrong.

Commissioner Casasanta: No, you are correct.

Chairman Hall: It looks as if we will stick with the original stipulated agreement that had been long fought, long hard work went into it, and that is our comfort level at this time. Do we need to take a formal vote on it?

Ed Meehan: I don't think so.....

Commissioner Kornichuk: We kind of just voted, didn't we?

Ed Meehan: The applicant is here, he's heard you loud and clear, I'm sure. If you feel that you want to put a motion on the table, that is your right. If you want to set the record, that might be something you could do.

Chairman Hall: Do you feel that we need a motion, or do we feel that we have said everything on the tape that.....

Commissioner Kornichuk: I just want to make sure that we are covered, that we have covered ourselves. Do we need to put a motion or.....

Ed Meehan: I think it's good to tie it up with a motion.

Commissioner Casasanta: I would think just to cover all loose ends, dot all our i's, cross all our t's, put it in the form of a motion and put it to bed once and for all.

Chairman Hall: Would you be able to.....

Ed Meehan: I can do something quick, if you want to go on to something else, there's not much left on your agenda.

Michael Friesbie: Madam Chair, if you will?

Chairman Hall: Mr. Friesbie, is there something you would like to say?

Michael Friesbie: I'd just like to address the board for one minute if I could. I just want to make sure that the board is clear and understanding that since we changed the zone there that there are certain uses that are allowed by right, outside of what we have proposed here. I want to make sure that you understand that I know the board, I know whoever comes in after this, after me, to develop that property can do something that is allowed by right, and as long as it meets the criteria this board would have to accept that. I just want to make sure that you understand that and it may not be as nice a project as we planned so, I want to make that part of the record. Thank you.

Chairman Hall: Anyone have anything? Any of the new people have any questions on what for instance that might be versus what we what we think we have.



Commissioner Casasanta: I don't think we are disputing what is going there, I think that the whole issue is just kind of the timing of everything. Nobody is questioning what is going to be built there, it's just a question of is it really going to be built and I think that is the big question mark at this point in time is that it's not what you plan on doing with the property as well if it would be developed, at least for me personally, that is the big question mark.

Michael Friesbie: Well, you have something that is an approved plan currently versus something that would be a blank slate if someone comes in after me with allowed uses by right, and as a gateway site, I just want to make sure that the board is aware of that.

Chairman Hall: I think we are, I think we liked what we saw, and we're not happy with not being able to get what was originally planned. We understand that the hotel is an issue because financing isn't available now but that doesn't mean that in six months, twelve months, eighteen months that the financing won't be available, that this project can't be done. We don't believe that it can't be done, we think it's a question of timing. Anybody else have anything?

Commissioner Pruett moved that the request to amend joint motion and stipulation for approval of settlement agreement between the TPZ and Hunter Development Company discussed by Mr. Michael Friesbie, president of the Hunter Development and the TPZ on April 7, 2009 not be granted at this time.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

**VIII. PETITIONS FOR SCHEDULING** (TPZ April 22, 2009 and May 13, 2009)

Ed Meehan: You have, Hidden Vine has submitted a Special Exception amendment, they would like to expand their restaurant over in the town center. That does require a public hearing. 115 Pane Road which is being carried from New Business Petition 08-09 will be ready on the 22<sup>nd</sup> for presentation. There is a project on North Mountain Road, 768 North Mountain Road for site plan review, that also has to go to the Conservation Commission. If that's ready it would come under New Business and the last item which was received today that could be scheduled for public hearing if you would like to do that is the New Samaritan Elderly Housing project for Phase Two at New Meadow. You could get that started through public hearing, it also has to go to the Conservation Commission for review. Those plans and building architecture were submitted today. So you would have two public hearings, one for Hidden Vine, one for New Samaritan, and two site plans, two small site plans.

Chairman Hall: I got an e-mail today that there is a public meeting on the 15<sup>th</sup>, Wednesday the 15<sup>th</sup> for the New Samaritan presentation.

Ed Meehan: Yes, public informational meeting which will be hosted by New Samaritan, it's their meeting for the neighbors, the Newington Housing Authority Members, Senior and Disabled Commission, and the residents of New Meadow. It will be held at the senior center, it's not in place of any public hearings required by your board or the Conservation Commission.

Commissioner Kornichuk: Now is Dave Brown still in.....

Ed Meehan: No, Dave left New Samaritan, they have a new executive director. I would just advise you, if you go there, you can't have a quorum.

Chairman Hall: Well, they are going to come here and present the same.....

Commissioner Kornichuk: Well I can guarantee I won't be there.

Chairman Hall: Are these four too many, anything that is really long?

Ed Meehan: There's nothing really long, 768 North Mountain is questionable right now. If they don't have their drainage ready they won't be able to come on the agenda either, but New Samaritan, I think you will have a good turnout from the neighbors. A lot of questions may be answered on the 15<sup>th</sup>, and several residents have already contacted us about the plans so they know that they are available here if they want to look at them.

Chairman Hall: So we are safe leaving all of these on for one night?

Ed Meehan: I think so.

Chairman Hall: Everybody going to be here that night, nobody has a vacation or anything?

Commissioner Kornichuk: Not yet.

Chairman Hall: All right, then let's leave those on.

**IX. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

None.

**X. REMARKS BY COMMISSIONERS**

A. Plan of Conservation and Development

Chairman Hall: Do you have some more information for us this week?

Ed Meehan: I'm going to pass this questionnaire around which Mr. Glenn Chalder and I worked on a couple days ago. It's going to be sent to all Boards and Commissions so I think you know, before it goes out to have this Commission look at it, and certainly, if you feel that you want to respond, you can respond optionally, or just respond. It may tickle some of the things that you have on your mind about what you would like to see in the plan, so we are going to send this out to Boards and Commissions by e-mail if we can. The responses go back to Planimetrics so we will try to gather some general information. Economic Development, Conservation, Senior and Disabled, a whole list of Commissions that we have and ask them to work on this, Library Board, Friends of the Library. We are also doing a little bit more detailed questionnaire which will be sent to all department heads and then starting on April 21<sup>st</sup> we're going to break that group down into focus groups, so we can talk about community facilities. We will talk about it with fire, police, library, senior/disabled, park and rec. We're going to talk about open space, drainage, conservation issues, we'll talk about that with parks and rec and the Town Engineer. We'll talk about Economic Development, we'll get the Town Manager and maybe Joe Harpie from Economic Development to come in because we want to focus on those modules, and then start pulling some ideas together from groups outside of this Commission and putting them down as strategies or ideas to bring back to you. We met, Glenn and I met, we've sort of broken up the Plan, who's going to write what, what maps we have to get done and we're pushing to have it ready for you.

Chairman Hall: Good. I know that you are working hard on it, and what we have seen so far is quite interesting.

Ed Meehan: If you want to just scratch some things off I can e-mail these, I only have the Chairman's e-mail, if you don't want me to e-mail stuff to you I won't, but, I've got Mike's, we find that works so much easier if we correspond by e-mail. It's up to you.

Chairman Hall: Any other questions or comments on this particular thing?

Commissioner Kornichuk: I notice they got rid of most of the crushed stone on Robbins.

Ed Meehan: They did that, I think they have to go back and dress it up a little bit....

Commissioner Kornichuk: Yeah, it's still visible, the only way I think they are going to get it all is to dig it out.

Ed Meehan: There was another issue that I wanted to bring up, I don't know if the Chairman knows this but there was an incident where there was a swimming pool encroachment over in Rocky Hill in the Twenty Rod Road right of way. It occurred last fall, it's about eighteen feet or twenty feet into the town property in Newington, the pool and the pool deck. We've been discussing with Rocky Hill officials as well as the property owner and the pool company and as of today I believe the Town Manager is going to send a letter directing the pool company that they remove the pool and restore our open space. Supposedly the pool company admits the error and they said they would take care of it for their client, so we just want to make sure that it is done properly and our open space is put back together. In-ground pool.

Chairman Hall: Concrete too, not even a vinyl liner, I think it's concrete.

Ed Meehan: It's a very nice pool and a very nice house, it was a mistake that somebody made, either didn't read the plans or measure, or said well, it's easy to do it here and.....

Chairman Hall: Right, it fits here, nobody will notice.

Ed Meehan: So we hope we can resolve that on a friendly basis, we don't want to get all lawyered up or anything. The pool companies insurance, whatever they have will take care of it. We'll get it done and hopefully they will have a pool this summer to swim in. So that's been going on for a while. I didn't want to say too much about it because I wasn't sure how it was going to be resolved.

Chairman Hall: Any other remarks, questions of Ed?

Commissioner Schatz: I think I have asked this before, over on Fenn Road, across from Stop and Shop down the hill, the seven little falls and so on, now as I recall, the college owns all that land?

Ed Meehan: Part of the Route 9 right of way, so it's owned by the State of Connecticut, Department of Transportation owns it.

Commissioner Schatz: You know, that's, there's an opportunity there that I can see, I used to fish there when I was a kid and the small fish come down from Batterson Park and there are little pools in there, as a matter of fact, we used to swim there too a little bit. You know, it's an opportunity for, if you have some way of getting in from the Iwo Jima Memorial and have some way of getting down in there, and you could have, you know that comes down and goes into a big pool and then when the water sort of doesn't come in, this pool sort of gets all funny. If that was dug out a little deeper, the fish would come down and get in there, you know, it's a place for kids

to, I mean, it was a great time. I look at that every time I go shopping and I'm saying, wow, what an opportunity here, and then all I see is the graffiti on the bridge.

Ed Meehan: That area was discussed recently with the proposed plans for the busway. In fact this morning we were talking about it in this room with ConnDot and Rich Hayes and his development project because they want to get some turning lanes in front of the Hayes project area to provide for a traffic signal. There has been some good progress made with ConnDot on that, and one of the concerns was pushing too close to that steep embankment to the point of having to put a retaining wall in. At the last session with ConnDot Mr. Hayes has offered additional frontage to push the road over easterly so they can avoid any encroachment into that steep slope.

Commissioner Schatz: It's quite a drop.

Ed Meehan: There will be some utility poles to move, but it can be engineered to keep that open space pristine down there.

Commissioner Schatz: It should be sort of kept that way, you know, it's an ideal spot, ideal.

Chairman Hall: It is very pretty. Any other questions, comments?

Commissioner Casasanta: Question and a comment. Question, on the corner of Lewis Street and Pane, rather Pascone Place just east of Judson Chiropractic is there something going on, they were clearing a lot of trees over the weekend, and I was curious as to whether there is anything going on over there.

Ed Meehan: The corner of Pascone and Lewis, the site was cleared by Dr. Judson a couple of years ago, and.....

Commissioner Casasanta: Right, but the trees that were remaining, kind of like in the back corner, they started clearing that out. That area started to get cleared out as well.

Ed Meehan: I don't know what they are doing back there because Steve Judson gave up his project on the corner, he still owns the property and bought the next building over for his office, his practice. I'll have to check that out.

Commissioner Casasanta: I was just curious. I don't know, it's not like its all gone, I don't want to give that impression but they were out there pretty much all day, definitely all day Sunday and I think maybe part of the day on Saturday as well with the chain saws and the wood chipper going and everything like that.

Commissioner Kornichuk: There wasn't much left there anyway.

Commissioner Casasanta: I know, and there isn't much left there now. I do have a comment which I was debating whether or not to bring up now, or bring up later, but I think if I say it later it will lose it's meaning, and I definitely want to get it onto the record, even though I'm preaching to the choir.

Unfortunately I wasn't able to attend the last meeting due to work requirements, but thankfully our minutes are detailed enough where I was able to get a very good feel and very good flavor for the meeting that transpired a couple of weeks ago. I just want to state for the record that I was appalled by Commissioner Pane's comments. I thought they were rude, and I thought they were disrespectful, not only to the Chair, but to this Commission as well. Unfortunately he is not here tonight, because I was going to ask him for a formal apology to the Chair and to this body for his

comments. I mean, we all have an opportunity, we're not all going to get along, we're all going to have a difference of opinion and a difference of opinion, quite honestly is healthy, but if you are going to disagree with someone, you disagree with them respectfully and professionally and I just felt as though those comments were completely and totally out of line, both to the Chair and this Commission. I just wanted to get that on the record.

Chairman Hall: Thank you Michael. David?

Commissioner Pruett: With Toll Brothers putting their proposal on the back burner and Mr. Friesbie leaving, I just wonder what your thoughts were on what might transpire? Do you think Friesbie is going to take a walk on this? Is Toll Brothers going to be out in the wilderness, so to speak because of this? What do you think might materialize?

Ed Meehan: It's all going to be driven by the economy, the next six months to a year. I think Toll Brothers will be back before you probably in a month, if not sooner. I think they have to work out some engineering issues with MDC really, that is one of the reasons, water pressure issue. The bottom line will be whatever happens there given all the work that has been done on the traffic improvement plans and the concern for traffic safety that this Commission put on the record when you got into that stipulated judgment, the meetings that we have had with the Department of Transportation and the State Traffic Engineering Staff, those two projects are going to have to be joined at the hip as far as an access road with a traffic signal. It will come out at a very narrow location, and it may be on the Hunter piece and aligned to accommodate something on the twenty-eight acres to the east if anything gets built there; it will be aligned to accommodate longer range development on the south side of East Cedar Street, Redan piece, access to Health-trax, access to Gospel Hall, and possibly the development piece behind Callahan's. The state has made that pretty clear that there is too much volume coming off those ramps. The second thing they have made clear is the work that was done on the corridor study by Wethersfield and Newington and the Capital Region Council of Governments with very long range goal of closing Russell Road where it comes into the off and on ramp. That's really like a 1940's design. They would like to see if possible a road go from East Cedar Street around and hook back to Russell Road. They can't mandate it, nor can the Town of Newington, but if you do have development that warrants a double connection like that, this would be the time to get it. That then sets the table for the possible re-design of the ramps and improving that bridge, but this is like two, three million dollars worth of off-site road improvements. That's where the economy comes in.

Commissioner Pruett: If Hunter pulls the plug, those improvements are moot then, right?

Ed Meehan: Well, not really, I think he's gone quite a ways with the State Traffic Commission, I just got another copy of a letter today where very minor changes to his plan, and he's ready to go before the State Traffic Commission. If I were in his shoes, I would get that State Traffic Commission Certificate and you know, it makes your property much more valuable. He may have that strategy, it may have been his strategy in looking for re-consideration with the change in the order of the development project there tonight. So I don't think he is going to throw in the towel yet. He's got a lot invested into this piece.

Commissioner Pruett: That he does.

Ed Meehan: He has five years to build it, too, under the statutes, so .....

Commissioner Pruett: Right.

Chairman Hall: And things can change dramatically in that period of time, just as they did in the last five.

Commissioner Pruet: And one further question, if he does flip that, would a new developer be holding to that same Phase One, Phase Two, okay, I thought so.

Ed Meehan: A new developer is going to have to stand by the existing stipulated judgment that the town has in place, and that's really a lot stronger than your zoning regulations because it's court approved. Then secondly the work that the Town and State Traffic Commission have been doing together, are going to be another (inaudible).

Commissioner Pruet: He seemed to be pontificating that if he flips it we are back at square one.

Chairman Hall: He was threatening us actually.

Commissioner Pruet: Yeah, exactly, in a nice way.

Commissioner Ganley: He was only correct to the extent that it's zoned for what it is zoned for and once you zone it the guy has a right to build what it's zoned for. That doesn't go to site plan, and it doesn't go to drainage or engineering or buffers, it doesn't go to any of that, just in fact you can do a commercial development there. In that very narrow sense, he was correct, but has no worth, we already knew that.

Chairman Hall: It may not be a bank, it may not be a restaurant, but it certainly still has to fall into certain parameters.

Ed Meehan: Any changes, they have to come back to you, and really, that plan has got a lot of building on it you know, a four story hotel, bank, restaurant, some retail, so it has a lot of economic value. Why someone would jump in there and change it around to less value and still try to do the off site improvements, I don't know that the economy works that way, but we'll see.

Chairman Hall: We'll see is right. We did what we thought was the right decision, and we'll see how it plays out. Anyone else?

Commissioner Schatz: Just a quick comment. A very few people will praise the building department but they expedited Lantini's building down there, so Mike got his permits to go ahead with his new office down by Hedburg's building.

Ed Meehan: Oh, you mean the new chiropractor?

Commissioner Schatz: Yeah.

Ed Meehan: Right.

Commissioner Schatz: And he personally said make sure that you thank them.

Chairman Hall: Well that's good. Good to hear, praise is always good.

Ed Meehan: Good location for him. He was over on Fenn Road before.

Commissioner Schatz: Yeah, he was on Fenn Road and his five year lease was showing up and he was sort of anxious to get going.

Chairman Hall: Anything else from the staff report, or anything else to add?

Ed Meehan: Nope, that's it.

**XI. STAFF REPORT**

None.

**XII. ADJOURNMENT**

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Ganley. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary